

COUNTY OF YORK

MEMORANDUM

DATE: March 14, 2001 (BOS Mtg. 3/20/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-568-01, Robert G. Hicks

ISSUE

This application requests a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-21.

DESCRIPTION

- Property Owner: Marque Homes by C.R. McLellon Builders, Inc.
- Location: Southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road in the Skimino Landing Estates subdivision
- Area: 2.0 acres
- Frontage: Approximately 250 feet on Skimino Landing Drive and 400 feet on Pheasant Springs Road
- Utilities: None. The lot will be served by a private well and septic system.
- Topography: Steep slopes (20% or greater) are present on the site.
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR-Rural Residential
- Existing Development: None
- Surrounding Development:
 - North: None
 - East: None
 - South: None
 - West: None
- Proposed Development: Accessory apartment in conjunction with a single-family detached dwelling (to be constructed)

CONSIDERATIONS/CONCLUSIONS

1. Skimino Landing Estates is a developing large-lot single-family detached residential subdivision in the Skimino area of the upper County. The minimum lot size is two acres and, because there is no public water or sewer, this area is zoned RR (Rural Residential). Over one hundred lots will ultimately be developed in this relatively new subdivision. Accessory apartments are permitted as a matter of right in the RR zoning district, but because the proposed size of the accessory apartment exceeds the limits prescribed in Section 24.1-407(c) of the Zoning Ordinance (450 square feet or 25% of the total floor area of the principal dwelling, whichever is less), a special use permit is required. The comprehensive plan designates this area for low-density single-family residential uses.
2. The applicant recently purchased the subject parcel with plans to build an approximately 5,100-square foot home. As part of the proposed house construction, the applicant wishes to build an attached accessory apartment that would serve as a permanent living area for Mr. Hicks' son. Unlike most accessory apartments that are intended for use by elderly relatives, the applicant's accessory apartment is intended for use by a handicapped child. Because the child will need lifelong permanent care, an accessory apartment will allow the child (when he grows up) to remain independent (with some degree of assistance), yet remain under the guardianship of the parents. The proposed apartment would include a living area, bedroom, kitchen, and bathroom. According to the applicant's current building plans, the total area of the accessory apartment would be approximately 800 square feet, which represents 15.7% of the size of the principal dwelling.
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking (which should not be a problem in this case since the house will have a three-car attached garage), require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included in the approving resolution.
4. The property is located in the Chesapeake Bay Resource Management Area (RMA) and, as such, any development thereon will be subject to the Chesapeake Bay Preservation Act requirements set forth in the County's Environmental Management Area (EMA) overlay district regulations. These standards address such items as impervious surface, erosion and sediment control, and reserve septic drain fields.
5. There is no public water or sewer in Skimino Landing Estates; the lots are all served by private wells and septic systems. The subject parcel has a well site and a primary and reserve septic drain field approved by the Health Department for a maximum of five bedrooms, including the accessory apartment. A condition has been included in the proposed approving resolution limiting the apartment to a single bedroom, and limiting to five the combined number of bedrooms in the principal dwelling and the apartment.
6. The applicant has received written approval from the Skimino Landing Estates' homeowners' association to build an accessory apartment on the subject parcel. Although the developer currently controls the homeowners' association because fewer

than 50% of the lots in the subdivision have been sold, there is an architectural committee composed of Skimino Landing Estates' homeowners, and it has reviewed and approved the applicant's plans.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its February 14 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 5:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application through the adoption of proposed Resolution No. R01-40.

Cross/3496

Attachments

- Excerpts of Planning Commission minutes, 2/14/01
- Zoning Map
- Preliminary floor plans and building renderings (5)
- Proposed Resolution No. R01-40